

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON NOVEMBER 24, 2009

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Tuesday, November 24, 2009 at 6:30 p.m.

Roll Call: Present: Ron Mellick
Christopher Channell
Troy Hickman
Henry Schwaller IV
Absent: Barbara Wasinger

Chairperson Mellick declared that a quorum was present and called the meeting to order.

2. MINUTES: There were no corrections or additions to the minutes of the regular session held on November 12, 2009; the minutes stand approved as presented.

3. FINANCIAL STATEMENT: Finance Director Kim Rupp reported that investments on October 31, 2009 totaled \$42,850,000, which is a \$3,650,000 increase when compared to October 2008. The weighted average interest rate on the total investment portfolio as of October 31st is .4481%. In October, the Finance/City Clerk's Office invested \$8,250,000 of maturing certificates of deposit with a weighted average interest rate of .3967%.

General Fund sales tax collections were down by \$1,557 compared to October 2008. Year-to-date collections are down \$257,758 or -4.67%. October sales tax collections for the Sport Complex were \$237,283; the year-to-date total is \$1,076,206. Expenditures for the Sports Complex for October were \$135,025 for a year-to-date total of \$243,150.

Henry Schwaller IV moved, Troy Hickman seconded, that the Financial Statement for the month of October 2009 be approved.

Vote: Ayes: Ron Mellick
Christopher Channell
Troy Hickman
Henry Schwaller IV

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT AGENDA: Mayor Mellick presented the following mayoral appointments for consideration:

Hays Convention and Visitors Bureau Advisory Committee

William Smriga – 3-year term to expire December 1, 2012

Robert Wilhelm – 3-year term to expire December 1, 2012

The proposed appointments will be presented for approval at the December 10, 2009 Commission meeting.

NEW BUSINESS

6. LEGISLATIVE UPDATE: Senator Janis Lee and Representatives Dan Johnson and Eber Phelps addressed the Commissioners about the upcoming Legislative session. They reported that the outlook for this year's budget process does not look good. Concern was expressed that some state funding could be in danger as the State continues to look for ways to balance the budget.

7. PARKING REQUEST – 1000 BLOCK OF FORT STREET: The Downtown Hays Development Corporation (DHDC) requested that angle parking be allowed in the 1000 block of Fort Street in front of the Southwestern Bell/AT&T building. There is ample space on the north end of the block for five (5) stalls and still have sufficient space for vehicles to drop off mail at the U.S. Post Office box on the south end. The angle parking is consistent with existing angle parking in the 700, 1100, and 1200 blocks of Fort Street. Businesses in the area have been notified and no objection has been voiced by them or the Post Office. The Police Department also supports the proposal.

Henry Schwaller IV moved, Troy Hickman seconded, that the request to approved the addition of five angled parking stalls in the 1000 block of Fort Street on the east side of the street be approved.

Vote: Ayes: Ron Mellick

Christopher Channell

Troy Hickman

Henry Schwaller IV

8. STORMWATER UTILITY STUDY PROPOSAL: The 2009 budget included funding to have a stormwater utility feasibility study conducted. Staff solicited proposals and only one valid proposal was received. CDM, a nation-wide leader in stormwater utility development, partnered with Wilson & Company of Salina in submitting a multi-phased proposal to assess the City's current stormwater program and National Pollutant Discharge Elimination System regulatory compliance, identify cost of services and future program costs, conduct educational workshops, and provide funding options. The cost proposed for this phase of the study is \$74,800. Implementation of an actual stormwater utility or other funding mechanism is not part of this phase of the study and would require negotiation of scope of services and additional funding authorization.

Christopher Channell moved, Ron Mellick seconded, that the proposal from CDM for professional services regarding the initial phase of a feasibility study for a stormwater utility, not to exceed \$74,800, be accepted, and that the City Manager be authorized to enter an agreement with CDM for said services.

Commissioner Schwaller stated that this project has been on the back burner since 2001 and the City Commissioners at that time decided not to do anything because of the cost. Now the City has to do the project due to EPA regulations. A stormwater monthly utility fee is the only way, in his opinion, to fund the project and he feels it would be wise to start phasing in the fee now. If the Commission commits to Phase I of the study, it will have to commit to completing the entire project.

Commissioner Channell stated that numerous projects have been identified in past studies and the City needs to start doing something. The study should define the parameters and give options on how to proceed.

Vote: Ayes: Ron Mellick

Christopher Channell

Troy Hickman

Henry Schwaller IV

9. CENTENNIAL ESTATES SIXTH ADDITION – DEVELOPER AGREEMENT:

In October, the City Commission approved the replat of a portion of Centennial Estates Sixth Addition. The property owner/developer now wants to construct street and water system improvements through private financing. City staff recommended the extension and looping of the waterline beyond that required for the development to improve water quality and fire protection in the area. As allowed in the City's Development Policy, the City would participate in the cost of extending the waterline. The estimated amount of the City share is \$12,000. A Developer Agreement is necessary to allow for the City share of the improvements and identify the conditions by which the City will accept the improvements after construction is complete.

Commissioner Schwaller left the Commission Chambers during the discussion and vote due to a conflict of interest.

Christopher Channell moved, Troy Hickman seconded, that the Developer Agreement allowing for the construction of improvements to the Centennial Estates Sixth Addition, including the City's share of waterline improvements not to exceed \$12,000, be approved and that the City Manager be authorized to execute said agreement.

Vote: Ayes: Ron Mellick

Christopher Channell

Troy Hickman

10. HIKE AND BIKE TRAIL RESOLUTION OF SUPPORT: Baughman

Company was hired to prepare a Hike/Bike Master Plan for the City of Hays. The final step in the process is to file a grant application for funding assistance with

the Department of Transportation. One of the items that need to be included in the application process is a Resolution of Support from the City of Hays. This resolution basically states that the City of Hays supports the project and authorizes the City Manager to submit an application to the State of Kansas.

Ron Mellick moved, Henry Schwaller IV seconded, that Resolution No. 2009-037, being a resolution declaring the eligibility of the City of Hays, Kansas to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement Funds set forth by the Federal Transportation Equity Act for the 21st Century for the Big Creek Trail Project in Hays, Kansas and authorizing the City Manager of the City of Hays to sign the application, be approved.

Vote: Ayes: Ron Mellick

Christopher Channell

Troy Hickman

Henry Schwaller IV

11. ADDITION OF COMMUNITY IMPROVEMENT DISTRICT LANGUAGE TO ECONOMIC DEVELOPMENT POLICY: During the 2009 legislative session, the Kansas legislature approved House Bill No. 2324 creating law K.S.A. 74-50 115 to allow cities and counties to establish Community Improvement Districts (CID). CID are created to finance certain projects within a defined boundary and are financed via sales tax or special assessment. Given the potential popularity of this new law, it is recommended the Commission create a policy to address any issues as CID are petitioned for implementation. This policy has been inserted into the existing Economic Development Policy as Section 9, Community Improvement Districts.

Henry Schwaller IV moved, Christopher Channell seconded, that the revised Economic Development Policy allowing for the creation of Community Improvement Districts be approved.

Vote: Ayes: Ron Mellick
Christopher Channell
Troy Hickman
Henry Schwaller IV

12. REPORT OF THE CITY MANAGER: The City Manager had no additional items to report on.

13. COMMISSION INQUIRIES AND COMMENTS: Commissioner Schwaller requested staff develop some mechanism to measure what percent of our recycling waste is actually recycled and present a report on that.

Commissioner Schwaller also requested staff investigate what it would cost for the City to handle minor tree trimming versus the cost of staff taking pictures and sending certified letters.

The meeting was adjourned.

Submitted by: _____

City Clerk